

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIVIDAD MARTINEZ HERNANDEZ,
Plaintiff,

v.

WARWICK PROPERTIES INC.; MJJ
BUILDERS CORP.; HEADER
CONSTRUCTION, INC.; DEERFIELD
COMMONS LIMITED PARTNERSHIP;
ACCESS:SUPPORTS FOR LIVING, INC.;
DEERFIELD COMMONS HOUSING
DEVELOPMENT FUND COMPANY, INC.;
and BUILDERS FIRSTSOURCE, INC.,
Defendants.

ORDER

20 CV 1573 (VB)

As discussed at an on-the-record conference held today and attended by counsel for all parties, including all third-party plaintiffs and third-party defendants, except for Five Star Builders, Inc., and at which non-party Paulo Vidal did not appear, it is HEREBY ORDERED:

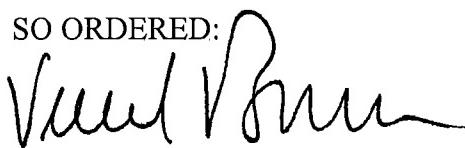
1. For the reasons stated on the record, plaintiff's motion to hold non-party Paulo Vidal in civil contempt is GRANTED.
 - a. Paulo Vidal is in civil contempt of the Court's Order dated November 10, 2022 (Doc. #239) and of the July 6, 2022, subpoena (Doc. #238-2 (the "Subpoena")) served on him several times, including on August 5, 2022.
 - b. By May 19, 2023, Paulo Vidal is ORDERED to appear for a deposition and produce the documents requested in the Subpoena.
 - c. **If Paulo Vidal fails to comply with the Subpoena by May 19, 2023, plaintiff shall immediately notify the Court by letter, and commencing May 22, 2023, Mr. Vidal will be subject to a monetary sanction of \$100.00 per day, payable to the Court.**
 - d. To be clear, beginning May 22, 2023, Mr. Vidal will be fined \$100.00 for each day that he does not comply with the Subpoena, and these daily fines will continue to accrue until he purges his contempt.
 - e. Paulo Vidal shall deposit these monies with the Clerk of the United States District Court for the Southern District of New York, located at 300 Quarropas Street, White Plains, New York, 10601.
 - f. **By June 23, 2023, if Paulo Vidal still fails to comply with the Subpoena, plaintiff shall advise the Court by letter, at which time the Court will likely**

order Mr. Vidal's arrest and confinement in order to compel his compliance.

2. By May 1, 2023, plaintiff shall serve a copy of this Order on Paulo Vidal and file proof of service on the ECF docket.
3. The Court has been advised that the parties intend to engage in private mediation. Accordingly, the Court will hold a case management conference on **September 12, 2023, at 10:00 a.m., to be held in person at the White Plains Courthouse, Courtroom 620.**
4. Any request to adjourn the September 12 conference, including because the parties resolve this case or require additional time to mediate, must be submitted by no later than **September 6, 2023.**

Dated: April 19, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge